

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOTICE OF BELL SOUTH)	
TELECOMMUNICATIONS, INC. TO)	CASE NO.
DISCONNECT MAX-TEL COMMUNICATIONS,)	2004-00013
INC. FOR NON-PAYMENT)	

O R D E R

On December 31, 2003, BellSouth Telecommunications, Inc. ("BellSouth") provided written notice to the Commission of its intent to disconnect Max-Tel Communications, Inc. ("Max-Tel") for nonpayment of bills. BellSouth asserts the unpaid amount is \$16,089.43, of which \$558.21 is for services provided in Kentucky. BellSouth plans to discontinue services to Max-Tel if payments are not received. Disconnection of Max-Tel services will impact 262 Kentucky customers.

BellSouth requests authorization to invoke the Emergency Service Continuity Tariff approved by this Commission on May 20, 2003 in Case No. 2002-00310.¹ Invoking this tariff is necessary only if Max-Tel has not notified its end-users of the service disconnection. If the Emergency Service Continuity Tariff is invoked, BellSouth will continue to provide telephone service to Max-Tel's customers for a minimum of 14 days after Max-Tel ceases to operate.

¹ Case No. 2003-00310, Customer Billing and Notice Requirements for Wireline Telecommunications Carriers Providing Service in Kentucky.

The Commission, having reviewed BellSouth's notice and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. Max-Tel shall notify the Commission within 7 calendar days of the date of this Order of its intent to pay the delinquent bill to BellSouth by January 22, 2004, or, in the alternative, of its intent to notify its end-users of the proposed service disconnection. Such written comments shall include a copy of Max-Tel's customer notice and an affidavit indicating when the notice was mailed and the number of Kentucky customers to whom it was mailed.

2. A copy of BellSouth's notice of intent to disconnect Max-Tel is attached hereto and incorporated herein.

3. If Max-Tel has not responded as prescribed in Ordering Paragraph 1 within 7 calendar days of the date of this Order, BellSouth shall implement the procedures established in its Emergency Service Continuity Tariff.

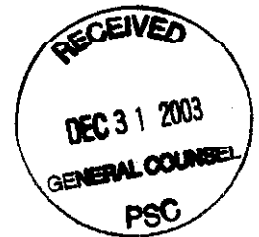
4. A copy of this Order shall be sent by certified mail to Max-Tel.

Done at Frankfort, Kentucky, this 15th day of January, 2004.

By the Commission

ATTEST:


Executive Director



BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Room 410
Louisville, KY 40203

Joan.Coleman@bellsouth.com
jcoleman6@imcingular.com

Joan A. Coleman
Vice President
Regulatory & External Affairs

502-582-2167
Fax 502-582-2140

December 29, 2003

Thomas M. Dorman
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

DEC 31 2003

PUBLIC SERVICE
COMMISSION

Dear Mr. Dorman:

Pursuant to the Kentucky PSC's May 20, 2003 order in KY PSC Case No. 2002-0310, BellSouth is providing advance notice to the Kentucky Public Service Commission (PSC) of BellSouth's intent to disconnect Max-Tel Communications, Inc. for non-payment.

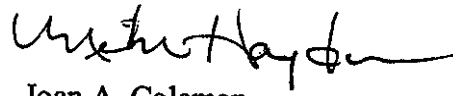

BellSouth's records indicate that Max-Tel Communications, Inc. is delinquent in payment of its bills to BellSouth in the amount of \$16,089.43. Of this amount, \$558.21 is overdue for services provided in Kentucky to Max-Tel Communications, Inc. Attempts to collect past due amounts from Max-Tel Communications, Inc. have been unsuccessful. BellSouth made numerous written notifications to Max-Tel Communications, Inc. informing them of BellSouth's intent to suspend or terminate services consistent with the terms and conditions of the Resale Agreement between Max-Tel Communications, Inc. and BellSouth. Attached is BellSouth's last written notice to Max-Tel Communications, Inc. On or about January 13, 2004, BellSouth will begin to discontinue services provided to Max-Tel Communications, Inc. if payments are not received by January 12, 2004. Disconnection of Max-Tel Communications, Inc. services will impact approximately 262 of its Kentucky customers.

Under terms of their Interconnection Agreement, Max-Tel Communications, Inc. is solely responsible for notifying its end users of the proposed service disconnection. BellSouth is copying Max-Tel Communications, Inc. to remind them of their obligation to notify their end users of this situation regarding pending disconnection of services.

Should the Commission determine the need to invoke BellSouth's Emergency Service Continuity Tariff, BellSouth will take steps to notify the affected end users and inform them that they may continue to receive telecommunications services through The Emergency Services Continuity Plan for a minimum of fourteen (14) days and that the end user must transition to a new service provider.

Should you or the staff have any questions concerning this filing or need additional information, Mike Hayden, of my staff, is familiar with this matter and can be reached on (502) 582-8180.

Very truly yours,


Joan A. Coleman 

cc: Max-Tel Communications, Inc.
Attn: Mr. Mark Maxey

Attachment

ATTACHMENT

December 24, 2003

Max-Tel Communications, Inc.
Attention: Mr. Mark Maxey
105 N Wickham Street
Alvord, Texas 76225

PLEASE REMIT PAYMENT TO:
BellSouth Network & Carrier Services
250 Williams Street
Suite 5010 NW
Atlanta, Georgia 30303

Dear Mr. Maxey:

Attempts to collect past due amounts from Max-Tel Communications have been unsuccessful and to date full payment has not been received. All accounts are currently in default in the amount of \$16,089.43 and subject to disconnection. A breakdown of these accounts is \$471.93 in Alabama, \$290.55 in Florida, \$558.21 in Kentucky, \$561.62 in Louisiana, \$8,680.32 in Tennessee, \$890.95 in North Carolina, and \$4,635.85 in South Carolina. Pursuant to the Resale Agreement between BellSouth Telecommunications, Inc. and Max-Tel Communications, Inc. consider this letter written notice that BellSouth will proceed with the discontinuance of existing services in Alabama, Florida, Kentucky, Louisiana, Tennessee, North Carolina, and South Carolina on January 14, 2004. Pursuant to the Agreement, it is Max-Tel Communications' responsibility to notify its end users of this impending disconnection.

In order to continue services, Max-Tel Communications must pay, in immediately available funds, the present undisputed balance in the sum of \$16,089.43 to BellSouth. In order to prevent disconnection of services in Alabama, Max-Tel Communications must pay \$471.93. In order to prevent disconnection of services in Florida, Max-Tel Communications must pay \$290.55. In order to prevent disconnection of services in Kentucky, Max-Tel Communications must pay \$558.21. In order to prevent disconnection of services in Louisiana, Max-Tel Communications must pay \$561.62. In order to prevent disconnection of services in Tennessee, Max-Tel Communications must pay \$8,680.32. In order to prevent disconnection of services in North Carolina, Max-Tel Communications must pay \$890.95. In order to prevent disconnection of services in South Carolina, Max-Tel Communications must pay \$4,635.85. Also, payments are expected for any current bills that may become due. If service is interrupted, full non-recurring charges will be applicable to reestablish service.

If you have questions regarding your account, please contact the Billing Operations Manager, Leisa Mangina, at (205) 714-7359.

Sincerely,

ORIGINAL SIGNED BY GARY PATTERSON